

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 18 October 2024

DOCKET NUMBER: AR20240002522

APPLICANT REQUESTS: Correction of his DD Form 214 (Report of Separation from Active Duty) to show award of the Meritorious Service Medal and the Army Commendation Medal.

APPLICANT'S SUPPORTING DOCUMENT(S) CONSIDERED BY THE BOARD:

- DD Form 149 (Application for Correction of Military Record)
- Permanent Orders Number 5-58, issued by Headquarters, 101st Airborne Division (Air Assault) and Fort Campbell, dated 8 July 1976 (Meritorious Service Medal)
- Certificate, Army Commendation Medal
- DD Form 214, ending 28 June 1976

FACTS:

1. The applicant did not file within the 3-year time frame provided in Title 10, U.S. Code (USC), section 1552(b); however, the Army Board for Correction of Military Records (ABCMR) conducted a substantive review of this case and determined it is in the interest of justice to excuse the applicant's failure to timely file.
2. The applicant states that his DD Form 214 does not list the Meritorious Service Medal and Army Commendation Medal that were awarded after his discharge, and he would appreciate consideration for correcting the mistake.
3. A review of the applicant's service record confirms awards were omitted from his DD Form 214. The Meritorious Service Medal will be added to his DD Form 214 as an administrative correction and will not be considered by the Board. The Board will consider his request for correction of his DD Form 214 to add award of the Army Commendation Medal.
4. A review of the applicant's service record shows:
 - a. He enlisted in the Regular Army on 29 June 1973.

b. DA Form 2-1 (Personnel Qualification Record – Part II) shows in item 9 (Awards, Decorations and Campaigns) award of the National Defense Service Medal.

c. He was honorably released from active duty under the provisions of Army Regulation (AR) 635-200 (Personnel Separations – Enlisted Personnel), Chapter 2, for completion of required service on 28 June 1976. He completed 3 years of active service. DD Form 214, item 26 (Decorations, Medals, Badges, Commendations, Citations and Campaign Ribbons Awarded or Authorized) shows he was awarded:

- National Defense Service Medal
- Army Good Conduct Medal

5. The applicant's available service record does not contain orders for award of the Army Commendation Medal.

6. The applicant provides:

a. Permanent Orders Number 5-58, issued by Headquarters, 101st Airborne Division (Air Assault) and Fort Campbell, dated 8 July 1976, awarded him the Meritorious Service Medal for outstanding meritorious service from 28 October 1973 through 28 June 1976.

b. A certificate dated 21 July 1976 that shows the applicant was awarded the Army Commendation Medal for meritorious service from October 1973 through June 1976 while serving as Supply Clerk and Battalion Senior Supply Sergeant.

BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was warranted. The Board carefully considered the applicant's record of service, documents submitted in support of the petition, and executed a comprehensive review based on law, policy, and regulation. The evidence of record provided by the applicant shows the applicant was awarded the Army Commendation Medal for meritorious service from October 1973 through June 1976 while serving with the 101st Airborne Division, received on 21 July 1976 and authenticated by Major General JAW. The Board determined, by a preponderance of the evidence, the applicant was properly awarded the Army Commendation Medal while assigned to the unit and therefore it should be added to his DD Form 214.

2. Prior to closing the discussion, the Board reviewed and concurred with the analyst of record's administrative note below to add the Meritorious Service Medal.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

█	█	█	GRANT FULL RELIEF
:	:	:	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
:	:	:	DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

The Board determined the evidence presented is sufficient to warrant relief. As a result, the Board recommends that all Department of the Army records of the individual concerned be corrected by adding to his DD Form 214, for the period ending 28 June 1976 the Army Commendation Medal.

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I certify that herein is recorded the true and complete record of the proceedings of the Army Board for Correction of Military Records in this case.

ADMINISTRATIVE NOTE(S):

1. Reference the enclosed request for correction of military records, correct the applicant's DD Form 214, for the period beginning on 29 June 1973 and ending on 28 June 1976 by adding in item 26, the Meritorious Service Medal.
2. The following documents are sufficient to justify correction of the DD Form 214 without action by the Board.
 - DD Form 214
 - Permanent Orders Number 5-58, issued by Headquarters, 101st Airborne Division (Air Assault) and Fort Campbell, dated 8 July 1976

REFERENCES:

1. Title 10, USC, section 1552(b), provides that applications for correction of military records must be filed within 3 years after discovery of the alleged error or injustice. This provision of law also allows the ABCMR to excuse an applicant's failure to timely file within the 3-year statute of limitations if the ABCMR determines it would be in the interest of justice to do so.
2. AR 600-8-22 (Military Awards) states the Army Commendation Medal may be awarded to any member of the Armed Forces of the United States who, while serving in any capacity with the Army after 6 December 1941, distinguishes himself or herself by heroism, meritorious achievement, or meritorious service. As with all personal decorations, formal recommendations, approval through the chain of command, and announcement in orders are required.

NOTHING FOLLOWS//